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Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress made in the implementation of the Comprehensive Peace Agreement in the Sudan. The report provides an assessment of the overall situation in the country since my previous report, dated 14 October 2010 (S/2010/528), as well as an update on the activities of the United Nations Mission in the Sudan (UNMIS) up to 30 December 2010.

II. Political developments

2. Considerable progress was made in preparations for the Southern Sudan referendum scheduled for 9 January 2011, with the voter registration period having been concluded. Both parties to the Comprehensive Peace Agreement continued to reaffirm publicly their commitment to the holding of the referendum, the implementation of outstanding provisions of the Agreement and the resolution of the situation in Abyei through dialogue, including during the meeting of the Security Council held on 16 November. In conformity with this pledge, the parties sought to manage security incidents through the ceasefire mechanisms, including the Ceasefire Joint Military Committee and the Joint Defence Board, which was tasked by the Presidency to investigate claims of troop build-up along the border during the reporting period.

Referendum preparations

3. On 15 November, the Southern Sudan Referendum Commission launched the voter registration exercise throughout the Sudan and in eight other countries. Registration proceeded largely without major incidents. Owing in part to the low turnout in Northern Sudan, the Commission extended the registration period by seven days, until 8 December, without changing the date of the referendum. Turnout remained high in Southern Sudan throughout the referendum period. The United Nations Integrated Referendum and Electoral Division worked closely with the Commission, providing technical and logistical support.

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4. As at 28 December, 3.7 million voters had registered in Southern Sudan, with 98 per cent of registration centres having reported; in addition, 116,311 voters had registered in Northern Sudan and 60,243 voters had registered abroad.

5. The Panel that I appointed to monitor the referendums visited the Sudan three times during the reporting period, from 10 to 15 October, from 13 to 22 November and from 18 to 22 December. The Panel noted that the low turnout in Northern Sudan was attributable to a number of factors, including: the distances between registration locations and population centres; the slow start to the public outreach efforts; the campaigns by some Southern leaders to encourage people not to register or vote outside Southern Sudan; and the general uncertainty among Southern Sudanese living in Northern Sudan about their future.

6. The Panel was pleased that the voter registration process had been carried out smoothly, but urged the Sudanese authorities to refrain from taking actions and making statements that would raise anxiety and fear among the population. The Panel plans to return to the Sudan in January for the polling.

7. While the Panel concluded that the process was generally transparent and free from organized fraud, there were some reports and accusations of voter intimidation. On 21 November, the National Congress Party (NCP) submitted a complaint to the Southern Sudan Referendum Commission, including a list of incidents and irregularities caused by the Sudan People's Liberation Movement (SPLM) in the Khartoum area. On 6 December, a group of human rights lawyers filed a suit against the Southern Sudan Referendum Commission in the Constitutional Court, claiming that the referendum timeline presented by the Commission violated the Comprehensive Peace Agreement and the Interim Constitution because it shortened the three-month appeal period between the finalization of the voter register and polling day. The case also involves the alleged denial of registration to potential voters in Northern and Southern Sudan.

8. Preparations for the poll on 9 January continued in parallel. A tender for the printing of ballot papers was scheduled to close on 22 November, but the Southern Sudan Referendum Commission requested an extension to allow Sudanese firms to participate in the bidding process. The reopened tender was closed on 5 December, and a foreign printing house was contracted.

9. Little progress has been made on the establishment of the Abyei Referendum Commission. The African Union High-level Implementation Panel, led by the former President of South Africa, Thabo Mbeki, continued to facilitate the discussion on Abyei at the level of the Presidency, but so far the talks have remained inconclusive.

10. The lack of clarity with regard to the holding of the Abyei referendum has led to some tension on the ground. On 4 December, more than 3,000 Abyei residents gathered around the UNMIS team site in Abyei and protested against a statement made by the President of the Sudan, Omar Al-Bashir, during the Shura Council held on 2 December, in which he had stated that NCP would not allow a settlement in Abyei without the participation of the Misseriya.

11. With the approach of the referendum, efforts were made to engage Southern political parties in dialogue. From 13 to 17 October, the All-Southern Sudanese Political Parties' Conference was convened in Juba, with 24 political parties participating, including NCP. The parties affirmed their commitment to peace,

reconciliation and democratic transformation in Southern Sudan and agreed to adhere to a code of conduct for the referendums and the popular consultations. On post-referendum arrangements, the Southern parties agreed to set up a national constitutional review commission and to convene an all-party constitutional conference for the adoption of a new constitution, should Southern Sudan secede. The participants also pledged that Southern Sudan would maintain good relations with Northern Sudan.

12. In a further effort aimed at political reconciliation in Southern Sudan, on 6 October, Vice-President Salva Kiir pardoned three commanders who had rebelled against SPLM. The Government of Southern Sudan expressed confidence that the terms of amnesty would be finalized for one of those three, Major General Tanginya, a General of the Sudanese Armed Forces whose former militia is a component of the Joint Integrated Unit in Malakal (Upper Nile State) and who faced an arrest warrant in Southern Sudan in relation to the violence in Malakal in 2006, and that his forces would be integrated into the Sudan People's Liberation Army (SPLA) in the near future. Negotiations with the two other rebel commanders, who fought against SPLA after the April 2010 elections, are still under way. Following the amnesty, there have been no major incidents involving any military leader in Southern Sudan.

13. In support of the security arrangements for the referendum made by the Government of Southern Sudan, UNMIS is co-chairing the High Referendum Security Committee and providing assistance to its secretariat. The Committee, comprising representatives of all institutions involved in referendum security, is performing an important role in collecting information from security institutions and analysing the data for operational decision-making. Such capacity will be crucial for the maintenance of security, both during the referendum period and in the future.

Negotiation on post-referendum arrangements

14. At the conclusion of the talks on Abyei held in Addis Ababa from 4 to 13 October, mediated by the Government of the United States of America, the parties to the Comprehensive Peace Agreement agreed to convene a second round of talks, facilitated by the African Union High-level Implementation Panel, to discuss all outstanding issues and post-referendum arrangements. UNMIS worked closely with the Panel and other stakeholders to support the mediation efforts. On 7 November, the Panel convened a plenary meeting of senior SPLM and NCP representatives in Khartoum and presented them with a draft "framework for resolving outstanding issues relating to the implementation of the Comprehensive Peace Agreement and the future relations of North and South Sudan". The draft framework included provisions to start the demarcation of the border immediately, maintain a "soft border" to permit economic and social activity and interaction, and refrain from altering the nationality or citizenship status of any Sudanese person during the Comprehensive Peace Agreement interim period.

15. During talks facilitated by the African Union High-level Implementation Panel, held from 7 to 13 November, the parties reaffirmed their commitment to "work for the successful conduct of the Southern Sudan referendum" and pledged to respect its outcome, but failed to reach an agreement on Abyei or on citizenship. The negotiation on Abyei was postponed and is expected to continue at the level of

the Presidency. The parties agreed to continue discussions on the other issues but did not conclude them during the reporting period.

16. A number of high-level meetings on the Sudan were convened during the reporting period. On 6 November, the African Union hosted the Sudan Consultative Forum in Addis Ababa. On 23 November, the Intergovernmental Authority on Development (IGAD) held the sixteenth Extraordinary Summit of IGAD Heads of State and Government on the Sudan. Both events were attended by high-level delegations from the parties. On 6 and 7 November, Sudanese Government representatives, international and national academics and other experts attended a symposium in Khartoum, convened jointly by the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNMIS, concerning the technical and legal aspects of post-referendum citizenship.

Border demarcation

17. During the negotiations facilitated by the African Union High-level Implementation Panel, held from 7 to 13 November, the parties identified five contested areas along the 1-1-56 border and agreed that physical demarcation could start immediately in other areas, with UNMIS technical and logistical assistance.

18. Communities in the border area are exploring post-referendum cross-border arrangements. At a three-day workshop held in Ed-Damazin in October, representatives from Southern Kordofan, Upper Nile, White Nile and Blue Nile States called for the creation of a joint police force and joint native administration courts, regular meetings of State-level joint border commissions and uniform taxation and tariffs along the border.

Abyei

19. The situation in Abyei remained volatile throughout the reporting period, with rising tensions between the Ngok Dinka residents and the Misseriya nomads. In addition to the commencement of the seasonal Misseriya migration, organized efforts to promote Ngok Dinka returns to the area have added to the tense atmosphere. On 2 December, SPLA accused Misseriya militias backed by NCP of having ambushed their troops in Bentiu, Unity State, killing 10 soldiers, injuring 2 civilians and stealing weapons.

20. The annual Misseriya cattle migration through Abyei started without the holding of the bilateral conferences which traditionally take place between the Ngok Dinka and the Misseriya prior to the migration season. Those conferences are essential in setting ground rules for intercommunal relations during the migration, but the deadlock over the Abyei referendum effectively blocked efforts to convene such gatherings in 2010.

21. Notwithstanding these challenges, UNMIS and United Nations agencies made efforts to mitigate tensions between the two communities, encouraging the convening of the migration conferences before shortages of water and pastures developed. UNMIS also reinforced its military presence on the ground, redeploying company-size additional troops to Abyei, and intensified its monitoring and verification activities with a view to preventing any escalation of violence and any violation of the ceasefire agreement.

Popular consultations

22. On 25 October, the Presidency released the official results of the Southern Kordofan supplementary census, according to which 2,508,268 people are currently residing in Southern Kordofan. On 14 November, the State High Election Committee endorsed and released the drawing of the electoral and geographical constituencies. The final publication of the demarcation of the constituencies is expected on 7 January 2011.

23. According to the National Elections Commission, the elections for the Southern Kordofan Legislative Assembly will be held on 9 April 2011 and the results will be announced no later than 18 April 2011. Voter registration is expected to start in January 2011.

24. Despite delays in the holding of the elections, technical preparations for the popular consultations in Southern Kordofan are shaping the process. The first phase of public awareness-building, led by the State Popular Consultations Technical Committee, concluded in October; for awareness-building purposes, workshops were conducted in 19 localities, involving some 4,000 participants. With the aim of making the popular consultation process as inclusive as possible, on 21 November the Governor issued a decree restructuring the preparatory committee, to be co-chaired by the Governor (NCP) and his Deputy (SPLM) and to include a broad spectrum of political party and civil society representatives.

25. In Blue Nile State, the Popular Consultations Parliamentary Committee (was established by the State Legislative Assembly on 18 September, by law it is required to finalize its report by 18 December 2010. The Committee has been divided into four subcommittees, dealing with constitutional, political, economic and administrative issues. The Committee has consistently voiced concern about the lack of funding from the State budget, which is impeding its work in collecting opinions and organizing public hearings. The Committee recently submitted a request to the State Legislative Assembly to extend the submission date for its final report. My Special Representative visited Ed-Damazin on 18 November and discussed with the Governor the way forward for the popular consultations with a view to preventing any political or security crises related to possible delays and uncertainties about the process.

Wealth-sharing

26. According to the Petroleum Unit of the Ministry of Finance and Economic Planning of the Government of Southern Sudan, the national Government transferred $522.53 million in oil revenues to the Government of Southern Sudan in the third quarter of 2010, resulting in a cumulative total of $1.82 billion between January and September 2010.

27. The Government of the Sudan continues to transfer revenue shares to oil-producing States. According to the Ministry of Finance and National Economy, Unity State received approximately 46 million Sudanese pounds (equivalent to $18.04 million), Upper Nile State, 91.7 million Sudanese pounds ($36 million), and Southern Kordofan State, 32.2 million Sudanese pounds ($12.63 million). Pursuant to the Abyei Protocol, local Ngok Dinka and Misseriya were entitled to a total of approximately 2.2 million Sudanese pounds ($860,000) during the same period.

Eastern Sudan Peace Agreement

28. The political and security situation in Eastern Sudan remained stable during the reporting period. Delays continued to be observed in the absorption of Eastern Sudanese representatives into the national civil service. The signatories to the Eastern Sudan Peace Agreement remained fully engaged with the Government of the Sudan in the preparations for the Eastern Sudan donor conference hosted by Kuwait on 1 and 2 December 2010. That event was attended by 42 countries and nearly 200 funds, organizations and companies, which collectively pledged a total of $3.55 billion to be used to fund 177 development projects in Kassala, Gadarif and Red Sea States.

Darfur peace process

29. The negotiating committees of the Government of the Sudan and the Liberation and Justice Movement (LJM) concluded work early in November on power- and wealth-sharing, land rights, compensation, returns of internally displaced persons and refugees, security arrangements, accountability and reconciliation. Since then, the African Union-United Nations Joint Mediation team has worked with the parties individually, encouraging both to develop compromise positions that address the interests of all parties and stakeholders. The Mediation team is currently consulting with all parties, as well as regional and international partners.

30. The African Union-United Nations Joint Chief Mediator for Darfur continues to encourage the Sudan Liberation Movement-Abdul Wahid and the Justice and Equality Movement (JEM) to support and participate in the Doha peace process.

III. Security developments

31. While the security environment in Southern Sudan has shown significant improvement during the reporting period, the situation remains potentially volatile.

32. Throughout October, the Sudanese Armed Forces (SAF) and SPLA traded allegations of cross-border incursions and provocative military build-ups. UNMIS noted some minor adjustments to the deployment of both forces along the border, but did not confirm any significant build-up. UNMIS efforts to verify those reports were hampered by the lack of access to key locations in Southern Darfur, the former western Kordofan area, White Nile State and Sennar State, which are out of the ceasefire zone. The Joint Defence Board was tasked by the Presidency with conducting an investigation into the military build-up. The conclusions of the investigation were presented to the regular meeting of the Board on 30 November, at which additional significant military build-up and preparations for war were ruled out.

33. Late in October, SPLA claimed that SAF had occupied two locations in Upper Nile State; on 30 October, SAF and SPLA exchanged fire across the border between Upper Nile and Sennar States, resulting in the wounding of an SPLA soldier. The clash appears to have occurred as a result of a misinterpretation with regard to the border by the two sides. The timely intervention of UNMIS prevented the situation from escalating.

34. On 12, 24 and 25 November, SAF aircraft bombed several targets in disputed territory along the Southern Darfur/Northern Bahr El Ghazal border. Approximately 2,500 civilians fled the attacks, which wounded at least four SPLA soldiers and led to the death of one child. SAF claims to have been targeting JEM forces. UNMIS has not been able to verify the presence of JEM in the area. On 24 November, NCP accused SPLM of sheltering Darfur rebel groups in the South, warning that such actions would be seen as "a declaration of war". SPLM leaders denied the allegations, stating that any rebels in the South were not there at their invitation. However, they stated that they had treated wounded JEM soldiers, in the spirit of international humanitarian law. Those incidents, as well as other security and military concerns, were discussed in a constructive manner at a meeting of the Joint Defence Board in Juba on 30 November, which contributed to the de-escalation of the tensions.

35. Subsequently, on 6, 8 and 9 December, SAF aircraft bombed the area of Timsaha in Western Bahr El Ghazal State. No casualties were reported as a result of the bombing, which did not target SPLA positions. A meeting of the Ceasefire Joint Military Committee held in Juba on 15 December confirmed the bombings, recorded them as a violation of the Comprehensive Peace Agreement and decided to refer the matter to the Ceasefire Political Commission. I urge the two parties to do their utmost to refrain from any similar unilateral military action in the future, which could lead to a dangerous escalation and put the peace and security of the referendum at risk.

36. In the Abyei Area, the presence of approximately 600 SPLA troops in violation of the Comprehensive Peace Agreement was verified by UNMIS on 11 November. SPLA claimed that its troops were deployed to reinforce security in Abyei ahead of the Misseriya migrations. After UNMIS intervened through the local area joint military committee, SPLA agreed to withdraw its troops, proceeding to do so on 16 November.

37. Attacks by the Lord's Resistance Army (LRA) in Southern Sudan appear to be declining, with no evidence of a permanent LRA presence in Southern Sudan. However, LRA continues to pose a security threat to the Southern Sudanese population living in the peripheral areas of Western Bahr El Ghazal and Western Equatoria States. It is estimated that at least 16 people were killed as a result of attacks by LRA in 2010.

Redeployment of forces

38. While SAF redeployed forces from Southern Sudan, SPLA redeployment rates stand at 37.70 per cent of a stated strength of 60,852, as verified at the meeting of the Ceasefire Joint Military Committee held on 14 and 15 December. Progress has been made on the redeployment of SPLA troops from the Nuba Mountains to White Lake Jaw and Duar. In Duar, only 752 of 2,700 SPLA troops were confirmed present.

Joint Integrated Units

39. The size of the Joint Integration Units has remained unchanged since April 2009, at 83 per cent of the mandated strength (39,639). The parties are discussing plans for the post-referendum management of the Joint Integration Units in either scenario, secession or unity.

40. On 6 December, the parties signed a framework agreement on the security arrangements for the oil fields and installations located south of the current border line. The agreement stipulates that the Joint Integration Units will continue to secure the outer circle of the oil installations until 9 July 2011, while the security forces from the National Intelligence and Security Services and the Southern Sudan Police Service will protect the inner circle.

UNMIS military deployment

41. As at 30 December, the UNMIS military component had deployed 9,745 of the 10,000 troops authorized: 466 military observers, 198 staff officers and 9,081 troops. During the reporting period, the Indian aviation unit with six utility helicopters withdrew from UNMIS, while four Russian utility helicopters were transferred from the United Nations Mission in the Central African Republic and Chad to UNMIS. The Russian helicopters and crews arrived in Juba on 22 December.

42. As the Security Council is aware, the United Nations is working on options for a possible augmentation of United Nations troops in the Sudan to prevent any deterioration in the security situation after the referendum and to increase the capacity of UNMIS to monitor possible ceasefire violations and protect civilians throughout the Mission area. Thus far, formal consent has not been provided by the parties.

43. In the meantime, UNMIS has increased its presence in hot spots using its existing force, redeploying company-size additional troops to Abyei, Southern Kordofan and a new team site near the border between Upper Nile and White Nile States. The integrated Joint Operations Centre in Khartoum and the Regional Operations Centre in Juba have been strengthened to enhance information collection and real-time analysis throughout the Mission area and to support both conflict prevention activities and rapid political, military and humanitarian reaction to crisis.

Restrictions on freedom of movement

44. Freedom of movement continues to be a challenge for UNMIS operations. The rising tension in the border region resulted in a number of incidents in which United Nations logistic convoys were stopped by security forces. In the most notable incident, between 16 and 19 October, an UNMIS convoy en route from El Obeid to Wau was repeatedly stopped at checkpoints in Warab State by both SPLA and the National Intelligence and Security Service. In some of those instances, drivers were physically assaulted or robbed of their personal effects by SPLA soldiers.

45. The majority of issues arise from poor discipline or poor communications within SPLA. UNMIS took steps to address restrictions on freedom of movement by facilitating talks with SAF and SPLA commanders. UNMIS received reassurance and a written statement from SPLA headquarters giving blanket clearance for all UNMIS force movements across the 10 States of Southern Sudan. This new action by SPLA contributed considerably to a reduction of restrictions in Southern Sudan.

UNMIS police

46. The police component comprises 662 advisers, of an authorized total of 715. UNMIS police continue to provide training to the Southern Sudan Police Service on

referendum security and assistance with the preparation of referendum security plans. To date, UNMIS police have trained 25,840 Southern Sudan Police Service personnel, including 2,254 female officers, in referendum security duties, on many occasions with the support of the United Nations Development Programme (UNDP). Placing a special focus on the protection of civilians and an appropriate response to disruptions in law and order, UNMIS police provided formed police unit training to 1,448 officers, aimed at strengthening Southern Sudan Police Service responses to these scenarios.

47. UNMIS police officers are co-located with Southern Sudan Police Service commissioners throughout the 10 Southern States to ensure the provision of advice and technical support to the police service. UNMIS continues to co-chair the meetings of the High Referendum Security Committee in Southern Sudan and is embedded in the State referendum security committees. In addition, UNMIS police supported the development of a three-year strategic plan for the service, which was recently approved by the Minister of the Interior.

Disarmament, demobilization and reintegration

48. The disarmament, demobilization and reintegration programme gained momentum during the reporting period, with the successful completion of the demobilization operation in Aweil in Northern Bahr El Ghazal State, as a result of which 2,844 ex-combatants were demobilized over a period of three months. Subsequently, three more demobilization operations have been launched in Khartoum, Kadugli in Southern Kordofan State and Tori in Eastern Equatoria State. During the reporting period a total of 4,885 ex-combatants, including 1,833 women, were demobilized. As at 1 December, the Sudan disarmament, demobilization and reintegration programme had demobilized 33,693 ex-combatants — 23,678 in the North and 10,015 in the South — including 6,258 women.

49. Despite significant progress, the reintegration component is still lagging behind owing to a shortfall in funds pledged by donors. In Northern Sudan, the programme requires an additional $7.85 million in extrabudgetary funding in order to be able to provide reintegration support and complete the delivery of assistance to all demobilized ex-combatants. Unless outstanding pledges are fulfilled, the programme will continue to suffer as a result of a growing gap between demobilization and reintegration and will lack sufficient funding for its activities in 2011.

50. During the reporting period, an independent review of the national disarmament, demobilization and reintegration programme was conducted at the request of UNDP, in consultation with UNMIS, major donors and the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions. The review focused on the planning parameters for the programme and on how it could be improved. Preliminary findings and recommendations of the review were presented to the United Nations, donors and the Commissions in Khartoum on 15 December, and the final report is expected shortly.

Mine action

51. During the reporting period, the mine action sector cleared 1,268,655 square metres of land, destroyed 4,743 anti-personnel mines, 539 anti-tank mines, 355,022 small arms and pieces of ammunition and 14,997 items of unexploded ordnance,

opened 209 kilometres of road and provided mine-risk education to 41,980 people in affected areas, including internally displaced persons living in camps. Tragically, during the reporting period a United Nations mine clearance contractor died in Kapoeta when attempting to destroy a mine in situ.

IV. Protection of civilians

52. While the Sudanese authorities bear the primary responsibility for the protection of their citizens, UNMIS has stepped up its protection activities through joint civil-military patrols and initiatives to foster local-level reconciliation. The overall goal of the UNMIS protection strategy is to (a) prevent, reduce and, when necessary, stop violence against civilian populations in the Mission area; (b) ensure humanitarian access to vulnerable populations; and (c) assist both the Government of the Sudan and the Government of Southern Sudan to assume their primary responsibility to protect civilian populations.

53. To implement this strategy, it is essential that the Mission be able to identify vulnerable communities and individuals before disputes erupt or escalate. It is also important to ensure State responsibility at all levels — local, regional and national — to address these concerns through dialogue and in consultation with those communities. In the light of this, UNMIS has decentralized its protection activities at the State and regional levels, under the direct supervision of my Special Representative, who continues to engage the Government at the highest level.

54. The Southern Sudan Protection Cluster, co-chaired by UNHCR and the Norwegian Refugee Council, with the participation of UNMIS, has continued to guide humanitarian protection activities and is now established in all 10 States of Southern Sudan. The Protection Cluster has supported protection interventions in key areas, including Nzara County in Western Equatoria State and Pibor County in Jonglei State. Rapid needs assessments have also been carried out across Southern Sudan.

55. In areas of Western Equatoria where attacks by the Lord's Resistance Army have occurred, UNMIS regularly provides military escorts for humanitarian actors, and it is planning to deploy a temporary operating base in Tambura alongside the current base in Ezo.

Child protection

56. UNMIS is continuing its efforts to secure the release of all child soldiers associated with SPLA. Although the United Nations-SPLA child demobilization action plan expired on 20 November, SPLA has remained committed to the full implementation of the action plan for the release and demobilization of children within its ranks.

57. UNMIS supported the identification and release of 28 boys from two SPLA divisions. A campaign to raise awareness about the United Nations-SPLA action plan and the Southern Sudan Child Act 2008 is ongoing, and a training-of-trainers course has been conducted for more than 100 SPLA officers. Those officers will be responsible for the follow-up training of over 3,000 soldiers on child protection standards applicable to the military.

58. Fifty-eight Sudanese, Congolese and Central African children (39 girls and 19 boys) who had escaped from LRA were assisted by the Ministry of Social Development of Southern Sudan, with support provided by UNMIS and the United Nations country team.

V. Humanitarian situation, recovery and return

Humanitarian developments

59. The humanitarian situation in Southern Sudan remains fragile owing to intertribal and border-area tensions, as well as to the impact of seasonal flooding. As at 15 December, at least 345 people were reported to have been killed since January 2010 as a result of tribal fighting, attacks by LRA and aerial bombings along the border between Southern Darfur and Northern Bahr El Ghazal States. In addition to conflict-related displacement, at least 140,000 people were affected by seasonal flooding.

60. While good harvests are expected in 6 of the 10 States of Southern Sudan, food security remains precarious, especially in the greater Bahr El Ghazal region and Jonglei State, where hundreds of thousands of people are at risk. In six States in Southern Sudan, malnutrition rates are above the emergency threshold set by the World Health Organization. In addition, several cases of acute malnutrition have been identified among returnees from Northern Sudan.

61. The humanitarian country team is currently preparing a contingency plan to mitigate any possible humanitarian crisis during the remainder of the Comprehensive Peace Agreement period. Efforts are under way to pre-position life-saving humanitarian supplies in more than 120 key locations throughout the country before the referendum.

62. Further funding is urgently required to allow for efficient humanitarian contingency planning and adequate preparation for critical scenarios. Currently, the funding needs for the required level of emergency preparedness before the end of 2010 amount to $42 million for the entire country.

Recovery and development

63. The Government of Southern Sudan developed a core governance functions framework, supported by the United Nations through UNDP. A detailed action plan was presented in Brussels on 17 and 18 November at the Juba round table, organized by the Ministry of Finance and Economic Planning. The plan outlines key actions to sustain 19 core functions in the areas of executive leadership, public administration, fiduciary management, the management of natural resources, the rule of law and security sector reform by the end of the Comprehensive Peace Agreement interim period.

64. United Nations agencies are rapidly scaling up support to build the capacity of the Government of Southern Sudan. Under the IGAD capacity enhancement programme, administered by UNDP in support of the Ministry of Labour and Public Service, 200 civil servants from IGAD countries will be embedded in ministries and twinned with Southern Sudanese officials to ensure transfer of skills and capacity development. UNDP has also deployed approximately 100 specialists across all 10 States of Southern Sudan to help local government to address capacity gaps in

budgeting, legal affairs, policing, urban planning and communications. The Government of Southern Sudan, supported by international partners, is also developing a medium-term poverty reduction and growth plan that will be used to prioritize Government spending and to guide donor assistance from 2011 through 2013.

65. UNDP continues to deliver critical technical guidance and capacity support to the Southern Kordofan government's designated peacebuilding body, the Reconciliation and Peaceful Coexistence Mechanism. The United Nations joint programme on conflict prevention and peacebuilding has completed its assessment phase, identifying locations and conflicts for initial interventions in Southern Kordofan and Warrap States.

Return and reintegration

66. The number of spontaneous returns of internally displaced persons to Southern Sudan began to increase late in October. More than 8,000 returnees (roughly three times the average monthly figure for November in previous years) were observed travelling spontaneously through Kosti, generally regarded as a gateway between Northern and Southern Sudan.

67. Late in October, the Government of Southern Sudan launched an initiative to accelerate the return of Southerners living in Northern Sudan. State-organized movements have transported an estimated 27,000 people back to their areas of origin. Most of those returns were concentrated in Unity State (19,000 people) and the Abyei Area, with a majority of returns clustered in locations along the partially demarcated 1956 border line. The Government of Southern Sudan has estimated that as many as 150,000 people will have returned from Northern Sudan by the end of March.

68. As at 5 December, the Abyei Area Administration had organized the return of approximately 9,300 Ngok Dinka to Abyei from Khartoum and other Northern States. UNMIS constructed a reception centre to receive the returnees at Dokura, approximately 10 kilometres north of Abyei town. The World Food Programme supplied each returnee with a three-month food ration, while UNHCR provided basic non-food items.

69. United Nations humanitarian agencies and non-governmental organizations have so far been able to respond adequately to returns. Emergency assistance is being provided by humanitarian agencies to stranded returnees as well as to populations in return communities through a newly established emergency returns sector. A framework for supporting the organized and dignified return and reintegration of internally displaced persons that adheres to humanitarian principles is also being developed by the Government of Southern Sudan, with support from partners.

VI. Governance and human rights

Rule of law

70. In Northern Sudan, UNMIS continued the assessment of the prison situation and capacity-building activities, with particular focus on the three transitional areas. In Southern Sudan, seven training courses were conducted for 151 prison officers,

including 27 female officers of the Southern Sudan Prisons Service in the areas of critical incident management, agricultural management, court liaison, health, human rights and gender-based violence. Prison staff also participated in referendum security training with the Southern Sudan Police Service and registration centres were established in prisons.

71. The Mission is conducting a comprehensive justice sector assessment in all 10 States of Southern Sudan. The aim of the assessment is to identify gaps and provide coordination of donor support to the justice sector. UNMIS continued to offer support and technical assistance to the Ministry of Legal Affairs and Constitutional Development, the judiciary of Southern Sudan and the Southern Sudan Legislative Assembly. UNMIS conducted capacity-building training courses for prison staff in Southern Sudan and continues to follow up on the voter registration of Southern Sudanese prisoners for the referendum.

Human rights

72. While the human rights situation remained a concern in both Northern and Southern Sudan, some progress was noted in respect of political rights and freedoms. Voter registration took place without the types of harassment, threats and intimidation that had characterized the general elections in April. Moreover, the ban on the publication of *Al Intibaha* newspaper was lifted.

73. Nonetheless, the pre-registration period was accompanied by an increase in provocative and contradictory statements issued by NCP officials, who threatened that Southerners in Northern Sudan could lose their citizenship, property and other economic and social rights if the referendum should lead to the separation of Southern Sudan.

74. Intimidation, threats and harassment were also noted against Northerners in Southern Sudan prior to the registration process, especially in Upper Nile State. Many Northern traders in Wau, Aweil and Malakal left Southern Sudan owing to perceived security threats ahead of the referendum and uncertainty about their future in the South.

75. In Abyei, peoples' freedom of movement was curtailed at times, and internally displaced persons returning to Abyei to participate in the referendum were subjected to threats and harassment by militia groups on the Southern Kordofan border.

76. On 19 October, the Vice-President of Southern Sudan launched the Southern Sudan Human Rights Forum, a collaborative partnership between the Government of Southern Sudan, the United Nations, the diplomatic community and civil society. The Forum will identify strategies to address human rights gaps and challenges, including advocacy and support for capacity-building activities.

VII. Cross-cutting issues in the Mission

Integrated United Nations planning

77. Given the uncertainties that will be faced in the coming months, the parties, the United Nations and the international community are preparing to prevent, to the extent possible, and to mitigate humanitarian crises. This includes efforts undertaken by humanitarian and development agencies to ensure that all population

movements across the border are voluntary, safe, dignified and sustainable; returnees from Northern Sudan to Southern Sudan should be able to return in a manner that does not overwhelm the capacity of local communities to absorb them.

78. UNMIS and the United Nations country team have developed a contingency plan for the period from November 2010 to June 2011. In the unlikely event that the referendum leads to large-scale violence, approximately 2.8 million people could be internally displaced and another 3.2 million affected by breakdowns in trade and social service delivery. In this scenario, as much as $63 million might be required to provide emergency assistance to those in need.

79. Concurrently with the development of contingency planning, UNMIS and the country team started a joint strategic assessment on possible conflict dynamics and peacebuilding challenges that will need to be addressed in post-Comprehensive Peace Agreement Sudan. This strategic assessment includes a comprehensive conflict risk analysis and sketches out a possible future role for the United Nations, in partnership with other regional and international actors, and in support of the Government of the Sudan and the Government of Southern Sudan. This strategic assessment will propose options for a future role for the United Nations, which I will present to the Security Council once my Special Representative has had the opportunity to discuss them with the Sudanese parties, after the referendum.

Public information

80. UNMIS organized two training workshops in Khartoum and Juba for media officers of the Southern Sudan Referendum Commission and its Bureau, on the importance of media relations and media reporting. UNMIS also organized a symposium on the role of youth in peacebuilding and peacemaking in the Sudan, in collaboration with the University of Khartoum.

81. Radio Miraya produced special live broadcasts on the registration process. The Government of the Sudan has not yet assigned an FM frequency to maximize its coverage in Northern Sudan. The Radio Miraya website was officially blocked by the Government of the Sudan for four hours on 11 November.

Conduct and discipline

82. UNMIS continued to conduct training and awareness-raising workshops in all sectors and to monitor the compliance of staff members with the United Nations Code of Conduct and the zero-tolerance policy on sexual exploitation and abuse.

Gender

83. UNMIS provided technical support to the Ministry of Gender, Child and Social Welfare and the Special Programmes Office of the President of Southern Sudan with respect to the gender dimensions of the Referendum Act and the organization of the Southern Sudanese women's conference on the referendum. A communiqué was issued after the event, calling on all southern political parties to implement Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009). UNMIS continued to support activities for women related to the popular consultations in Blue Nile and Southern Kordofan States. As part of the campaign "16 Days of Activism against Gender Violence", UNMIS supported Government ministries in holding events that enhanced awareness of gender-based violence.

HIV/AIDS

84. UNMIS continued efforts to conduct awareness-raising campaigns, capacity-building for civil society groups and the integration of HIV/AIDS awareness in the disarmament, demobilization and reintegration programmes. Activities targeted the Southern Sudan police and prison services, schools and universities, church congregations, women's groups and internally displaced persons. The Mission also provided voluntary confidential counselling and testing services. UNMIS established 14 HIV/AIDS regional committees as part of the preparations for World AIDS Day. In its outreach activities, UNMIS trained 65 HIV/AIDS educators among Mission members, who further sensitized more than 1,400 Mission personnel.

Staff security

85. While road traffic accidents remain the most common threat to the security of United Nations personnel, criminality and assaults continued to be reported. United Nations staff members in the Sudan were subjected to 12 incidents of arrest and detention, 6 cases of assault and harassment, 18 cases of robbery and theft and 6 incidents of restriction of movement. The UNMIS Security Section has developed contingency plans for staff security during and after the referendum.

Coordination with other peacekeeping missions

86. UNMIS continued its regular exchange of information with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the African Union-United Nations Hybrid Operation in Darfur (UNAMID), and conducted visits to both mission headquarters. Cooperation with UNAMID contributed to information-sharing and collaborative actions during the recent clashes on the border between Southern Darfur and Northern Bahr El Ghazal States, as both missions have a limited presence and limited access on their respective sides of the border.

VIII. Observations and recommendations

87. The coming weeks will determine the future of the Sudan for decades to come. The determination of the parties to the Comprehensive Peace Agreement to sustain peace, stability and coexistence will be the deciding factor in setting that course. The United Nations and the international community must continue to stand firmly behind their commitment to support the parties, the relevant institutions, and the Sudanese people through this process and beyond.

88. Notwithstanding the tight timetable, the successful completion of the voter registration exercise is an example of what the North and the South can accomplish when they work together. It is critical that the parties sustain these efforts to maintain a political environment conducive to the holding of the referendum in a peaceful and free manner.

89. I note with satisfaction the efforts of my Panel on the referendum, and call upon the parties to continue to support its work and make the best possible use of its assistance.

90. Recent progress in negotiations on post-referendum arrangements is a welcome development. I commend the mediation role of the African Union High-

level Implementation Panel, as well as efforts by the United States, UNMIS and other international partners to support this process. To ensure a "soft landing" at the end of the referendum process and the interim period, the parties to the Comprehensive Peace Agreement must agree on key post-referendum issues, including wealth-sharing, the management of assets and debts, citizenship and border security arrangements. It is crucial that the parties reach a broad framework agreement on those key issues prior to the referendum. They have recently made some progress in the negotiations facilitated by the High-level Panel, with support from the United States, UNMIS and other international partners.

91. The outcome of those negotiations will have far-reaching implications for a range of stakeholders. One of the most pressing post-referendum issues is the question of citizenship. Possible changes in the status of legal, employment and property rights after the referendum will be a major concern for the Southerners in Northern Sudan and the Northerners in Southern Sudan.

92. The continuing stalemate over Abyei and the Abyei referendum is a cause for alarm. I am deeply concerned about the lack of progress in the formation of the Abyei Referendum Commission and the talks between the parties on the future status of Abyei. Although some progress appears to have been made in the discussion facilitated by the African Union High-level Implementation Panel, an agreement is not yet in sight and tensions are building up on the ground.

93. Understandably, political sensitivities and historical complexities associated with Abyei make it difficult for either party to consider options that may be seen as concessions by their constituents. Nevertheless, the parties cannot afford to leave this issue unresolved for much longer. Escalating tensions and frustration on the ground will only become more difficult to manage, in particular in the light of the Misseriya migration already in progress.

94. In this charged environment, any major security incident could be damaging for the last stages of the Comprehensive Peace Agreement process. The parties must demonstrate responsible leadership and recognize that difficult compromises are necessary for the peaceful coexistence of the communities. Every effort is being made by all concerned, including UNMIS, to encourage the senior leaders to reach agreement on a solution as soon as possible.

95. Other pending Comprehensive Peace Agreement provisions require immediate attention. The completion of the North-South border demarcation process, the deployment of troops away from the common border areas and the joint monitoring of those areas by the two parties to defuse any possible tension are necessary to maintain border security between the North and the South. Popular consultations in Southern Kordofan and Blue Nile States are also being delayed. They should be given more attention by the parties and should be treated as an opportunity to strengthen both the North-South relationship and future stability in the North.

96. Restrictions on freedom of movement remain a major obstacle to the full implementation of the UNMIS mandate, and assaults on UNMIS personnel continue. A failure by the parties to prevent such incidents and to effectively hold to account the responsible authorities will have serious and long-term consequences for all concerned.

97. While UNMIS continues these efforts, it must be emphasized that the presence of United Nations troops alone will not be enough to prevent a return to war, should

widespread hostilities erupt. Only a demonstrated commitment by the parties to refrain from inflammatory statements, uphold the Comprehensive Peace Agreement ceasefire mechanisms and engage in dialogue to settle differences will succeed in maintaining peace.

98. At this crucial stage in the implementation of the Comprehensive Peace Agreement, I am encouraged by the continued commitment of the Comprehensive Peace Agreement partners to resolve outstanding differences in a peaceful manner. As events in the early days of 2011 will be unique in the history of the Sudan, I urge all partners to intensify their efforts and provide support to all Sudanese in order to ensure the successful holding of the referendum and respect the choice made by the people by endorsing and implementing its outcome.

99. I would like to conclude by expressing my appreciation for the dedicated service of my Special Representative for the Sudan, Haile Menkerios, as well as of all military, police and civilian personnel serving in UNMIS.

United Nations S/2010/682

Security Council

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Letter dated 31 December 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1737 (2006) (see annex), which covers the Committee's activities during the period from 1 January to 31 December 2010. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Tsuneo **Nishida**
Chairman
Security Council Committee established
pursuant to resolution 1737 (2006)

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Annex

Report of the Security Council Committee established pursuant to resolution 1737 (2006)

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1737 (2006) covers the period from 1 January to 31 December 2010.

2. During the reporting period, the Bureau consisted of Yukio Takasu (until 29 August 2010), and then Tsuneo Nishida, of Japan, as Chairman, with the delegation of Nigeria providing the Vice-Chairman. In 2010, the Committee held one informal consultation. The web page of the Committee is available at: http://www.un.org/sc/committees/1737/index.shtml.

II. Background information

3. By its resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010), the Security Council imposed certain measures relating to the Islamic Republic of Iran. These include, but are not limited to, a proliferation-sensitive nuclear activities-related and nuclear weapon delivery systems-related embargo, a ban on the export and procurement of any arms and related materiel from the Islamic Republic of Iran, a ban on the supply of the seven categories of conventional weapons as defined for the purposes of the United Nations Register of Conventional Arms and related services to the Islamic Republic of Iran, and an assets freeze and a travel ban on designated individuals and/or entities with exemptions, as specified.

4. In resolution 1929 (2010), among other things, under the conditions and circumstances, as specified, the Council called for the inspection of cargo to and from the Islamic Republic of Iran and authorized the seizure and disposal of items identified during inspection, the supply of which to the Islamic Republic of Iran is prohibited. Moreover, under the circumstances as specified, the Council introduced a ban on the provision of bunkering and other servicing of Iranian vessels and decided that all States shall exercise vigilance when doing business with Iranian entities, including those of the Islamic Revolutionary Guard Corps and the Islamic Republic of Iran Shipping Lines. A hand-out that comprehensively describes the measures imposed pursuant to the four aforementioned resolutions can be found on the Committee web page.

5. The Security Council Committee established pursuant to resolution 1737 (2006) was initially entrusted with undertaking the tasks set out in paragraph 18 of the resolution: to seek from States information regarding the actions they have taken to implement effectively the relevant measures and whatever further information it might consider useful in that regard; to seek from the International Atomic Energy Agency (IAEA) information regarding the actions taken by the Agency to implement effectively the relevant measures concerning the technical cooperation provided to the Islamic Republic of Iran by IAEA and whatever further information it might consider useful in that regard; to examine and take appropriate action on information regarding alleged violations of the relevant measures of resolution 1737 (2006); to consider and decide upon requests for exemptions from the relevant

measures; to determine as may be necessary additional items the supply of which to the Islamic Republic of Iran would be prohibited; to designate as may be necessary additional individuals and entities as subject to the assets freeze and the travel notification requirement; to promulgate guidelines as may be necessary; and to report at least every 90 days to the Council. By its resolutions 1803 (2008) and 1929 (2010), the Council broadened the scope of the mandate of the Committee to include the measures imposed in resolutions 1747 (2007) and 1803 (2008) and the measures decided in resolution 1929 (2010).

6. In carrying out its mandate, in accordance with resolution 1929 (2010), the Committee is assisted by the Panel of Experts appointed by the Secretary-General for an initial period of one year.[1] The tasks of this Panel, which works under the direction of the Committee, include to gather, examine and analyse information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010), in particular incidents of non-compliance; to make recommendations on actions the Council, or the Committee or State, might consider to improve implementation of the relevant measures; to provide to the Council an interim report on its work no later than 90 days after the Panel's appointment (by 5 February 2011) and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations (by 10 May 2011).

III. Summary of the activities of the Committee

Work programme

7. In paragraph 27 of resolution 1929 (2010), the Security Council decided that the Committee shall intensify its efforts to promote the full implementation of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010), including through a work programme covering compliance, investigations, outreach, dialogue, assistance and cooperation, to be submitted to the Council within 45 days of the adoption of the resolution, by 24 July 2010. The Committee approved such a work programme and transmitted it to the Council on 23 July.

Consolidated list of individuals and entities

8. On 19 August 2010, the Committee issued an updated consolidated list of individuals and entities subject to, with certain exemptions, the travel ban and/or assets freeze, thereby reflecting the designated names and entities contained in annexes I-III of resolution 1929 (2010). The consolidated list is available on the Committee website. A de-listing request was submitted by one of the designated entities through the focal point process outlined in the annex to Security Council resolution 1730 (2006), and will be addressed by the Committee in accordance with the same resolution. Two communications, dated 18 February and 15 June 2010, respectively, were also received by the Committee from two States concerning the travel of an individual whose name was similar to that of a designated individual; based on the information provided by one of those States, it was confirmed that the individual who travelled was not the same person as the designated individual.

[1] See S/2010/576.

Implementation reports received from Member States and implementation assistance notice and hand-out issued by the Committee

9. By the end of the reporting period, the Committee had received a total of 92 reports under paragraph 19 of resolution 1737 (2006), 79 reports under paragraph 8 of resolution 1747 (2007), 68 reports under paragraph 13 of resolution 1803 (2008), and 45 reports under paragraph 31 of resolution 1929 (2010). Some of these were combined reports under more than one resolution. Unless a State had requested that its report be kept confidential, the reports were issued as United Nations documents and posted on the Committee web page (see the appendix to the present report for details).

10. On 20 January 2010, following the receipt in October 2009 of reports by the Committee from two Member States on a transfer of arms-related materiel from the Islamic Republic of Iran in violation of paragraph 5 of resolution 1747 (2007), the Committee approved the text of a second "implementation assistance notice"; this contained information about the violation, which the Committee believed might be useful to Member States in implementing their obligations under the relevant resolutions. The first implementation assistance notice addressed the arms-related materiel discovered on board the vessel *M/V Monchegorsk*. This second notice addressed the arms-related materiel found on board the vessel *M/V Hansa India*. Both notices are available on the Committee website.

11. On 1 November 2010, the Committee approved the above-mentioned hand-out describing implementation by States of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010). The aim of preparing that document was to assist Member States in meeting their responsibilities under the four resolutions. The hand-out was transmitted through a note verbale to all Member States and is also available on the Committee website.

Notifications and requests for exceptions received from Member States and the International Atomic Energy Agency

12. By paragraph 5 of resolution 1737 (2006) and paragraph 8 of resolution 1803 (2008), the Security Council requires States to notify the Committee of the supply, sale or transfer of all items, materials, equipment, goods and technology covered by document S/2006/814 (subsequently superseded by the lists of items in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2) the export of which to the Islamic Republic of Iran is not prohibited by subparagraph 3 (b) of resolution 1737 (2006) and subparagraph 8 (a) of resolution 1803 (2008). During the period under review, the Committee received eight notifications from a Member State of the delivery of items for use in the nuclear power plant in Bushehr, Islamic Republic of Iran, in the context of paragraph 5 of resolution 1737 (2006). The Committee also addressed the matter of an intended delivery of items for use in that plant.

13. Subparagraph 13 (b) of resolution 1737 (2006) provides for an exception to the assets freeze for extraordinary expenses, as determined by the relevant States and subject to a Committee decision. The Committee received and granted one such request for exception.

14. Subparagraph 13 (d) of resolution 1737 (2006) provides for an exception to the assets freeze for activities directly related to the items specified in subparagraphs 3 (b) (i) and (ii) of the resolution, which have been notified by the

relevant States to the Committee. The Committee received one such notification from IAEA.

15. Paragraph 15 of resolution 1737 (2006) provides for an exception to the assets freeze for making or receiving payments, or authorizing the unfreezing of funds, in connection with contracts entered into prior to the listing of persons or entities. The Committee received five such notifications from Member States, with additional specific information provided in relation to one of those notifications on two further occasions.

Ninety-day reports to the Security Council

16. Under the provisions of subparagraph 18 (h) of resolution 1737 (2006), the Chairman must report to the Security Council at least every 90 days on the Committee's activities. Accordingly, the Chairman briefed the Council on 4 March, 28 June, 15 September and 10 December 2010.[2]

Responses to queries received from Member States

17. As part of its role of assisting Member States in the implementation of the measures imposed by the Security Council in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010), the Committee responded to six written queries. These queries concerned the following issues: the scope of the proliferation-sensitive nuclear activities-related and nuclear weapon delivery systems-related embargo; the scope of the assets freeze; reasons for designating an entity as subject to the assets freeze; confirmation that certain individuals and entities were not subject to the travel ban and/or assets freeze; and disposal of arms-related materiel that was seized as it was being transferred in violation of the ban on the export and procurement of arms and related materiel from the Islamic Republic of Iran.

IV. Violations and alleged violations of the sanctions regime

18. During the period under review, the Committee received two new reports of violations of paragraph 5 of resolution 1747 (2007) which imposed a ban on the export and procurement of arms and related materiel from the Islamic Republic of Iran. In connection with a previously reported violation, which was recorded in the 2009 annual report of the Committee,[3] by a letter dated 12 January 2010 the reported State of destination of the arms-related materiel, the Syrian Arab Republic, asserted to the Committee that the allegations made against it were false, and that the vessel *MV Francop* had not been carrying any materiel that pertained to it. In connection with the same vessel, by a letter dated 23 April 2010, another State provided further information on the vessel's activities.

19. In the first new case, by a letter dated 12 November 2010 (received 15 November), a Member State informed the Committee that, at one of its wharfs, its security authority had inspected and seized 13 shipping containers of illegal arms reportedly originating from the Islamic Republic of Iran, and that a comprehensive report on the results of its investigations would be forthcoming. The Committee responded, inter alia, by recommending that the Member State retain and store the

[2] See S/PV.6280, S/PV.6344, S/PV.6384 and S/PV.6442.

[3] See S/2009/688, paras. 19 and 22-24.

seized containers until the Committee had concluded its consideration of the matter, and encouraged the Member State to invite the Panel of Experts, as appropriate, to visit and inspect the seized containers.

20. In the second case, by a note verbale dated 23 November 2010, a Member State informed the Committee that, at one of its harbours, its customs and border authorities had inspected and seized a container onboard the vessel *MS Finland*, originating from the Islamic Republic of Iran and destined for the Syrian Arab Republic, which contained a high-potential explosive known as T4 or RDX. Further investigations were being carried out by the Member State. As in the first case, the Committee dispatched a response with appropriate guidance to this State.

21. On 15 November 2010, the Committee also approved a fact sheet explaining the respective roles of the Committee and the Panel of Experts in investigating and responding to reported violations of the sanctions regime. The fact sheet was transmitted through a note verbale to all Member States and is also available on the Committee's web page.

22. In informal consultations on 10 December 2010, the Panel of Experts informed the Committee of its intention to visit the two reporting States, with the agreement of those States, in the near future.

Observations and recommendations

23. The primary responsibility for the implementation of the measures imposed by the Security Council rests with Member States. The Committee has noted with grave concern that the apparent pattern of sanctions violations involving prohibited arms transfers from the Islamic Republic of Iran, first highlighted publicly by the Committee a year ago, is continuing. Violations by Member States of their obligations under the Charter of the United Nations are a serious matter. For its part, in facilitating and monitoring the implementation of the relevant measures, the Committee will continue to discharge its mandate as effectively and efficiently as possible, and it stands ready to consider any proposals that fall within its purview. In this respect, the Committee welcomes the assistance of the Panel of Experts and urges all Member States to cooperate fully with the Committee and the Panel.

Appendix

List of reports received from Member States pursuant to paragraph 19 of resolution 1737 (2006), paragraph 8 of resolution 1747 (2007), paragraph 13 of resolution 1803 (2008) and paragraph 31 of resolution 1929 (2010)

Member States	*Reports pursuant to resolution 1737 (2006)*	*Reports pursuant to resolution 1747 (2007)*	*Reports pursuant to resolution 1803 (2008)*	*Reports pursuant to resolution 1929 (2010)*
Albania	S/AC.50/2007/9			
Algeria	S/AC.50/2007/65 (combined report)			
Andorra	S/AC.50/2007/50		S/AC.50/2009/3	S/AC.50/2010/34
Argentina	S/AC.50/2007/57	S/AC.50/2007/57/Add.1-2	S/AC.50/2008/60	
Australia	S/AC.50/2007/27	S/AC.50/2007/70	S/AC.50/2008/19	S/AC.50/2010/5
Austria	S/AC.50/2007/11	S/AC.50/2007/66	S/AC.50/2008/2	S/AC.50/2010/2
Azerbaijan	S/AC.50/2007/107 (combined report)		S/AC.50/2008/44	
Bahrain	S/AC.50/2007/67	S/AC.50/2007/121	S/AC.50/2008/12 and Add.1	
Bangladesh	S/AC.50/2007/47			
Belarus	S/AC.50/2007/41	S/AC.50/2007/77	S/AC.50/2008/16	S/AC.50/2010/27
Belgium	S/AC.50/2007/10	S/AC.50/2007/74	S/AC.50/2008/14	S/AC.50/2010/18
Brazil	S/AC.50/2007/26	S/AC.50/2007/82	S/AC.50/2008/63	S/AC.50/2010/22
Brunei Darussalam	S/AC.50/2008/1 (combined report)		S/AC.50/2008/64	
Bulgaria	S/AC.50/2007/2 and Add.1	S/AC.50/2007/108 and Add.1	S/AC.50/2008/11	S/AC.50/2010/31
Cambodia	S/AC.50/2007/125			
Canada	S/AC.50/2007/33	S/AC.50/2007/75	S/AC.50/2008/5	S/AC.50/2010/35
China	S/AC.50/2007/22	S/AC.50/2007/99	S/AC.50/2008/18	S/AC.50/2010/32
Costa Rica	S/AC.50/2007/71 (combined report)			
Croatia	S/AC.50/2007/15	S/AC.50/2007/117	S/AC.50/2008/61	S/AC.50/2010/47
Cuba	S/AC.50/2007/38	S/AC.50/2007/89	S/AC.50/2008/38	
Cyprus	S/AC.50/2007/128 (combined report)		S/AC.50/2008/65	S/AC.50/2010/20
Czech Republic	S/AC.50/2007/14			S/AC.50/2010/33

Member States	*Reports pursuant to resolution 1737 (2006)*	*Reports pursuant to resolution 1747 (2007)*	*Reports pursuant to resolution 1803 (2008)*	*Reports pursuant to resolution 1929 (2010)*
Denmark	S/AC.50/2007/13	S/AC.50/2007/85		S/AC.50/2010/39
Ecuador	S/AC.50/2007/129 (combined report)			
Egypt	S/AC.50/2007/59	S/AC.50/2007/68	S/AC.50/2008/3	S/AC.50/2010/26 and Add.1
Estonia	S/AC.50/2007/49	S/AC.50/2007/113		S/AC.50/2010/19
Finland	S/AC.50/2007/19	S/AC.50/2007/97	S/AC.50/2008/26	S/AC.50/2010/8
France	S/AC.50/2007/17	S/AC.50/2007/84	S/AC.50/2008/39	S/AC.50/2010/24
Georgia	S/AC.50/2007/29			S/AC.50/2010/11
Germany	S/AC.50/2007/37	S/AC.50/2007/98	S/AC.50/2008/15	S/AC.50/2010/15
Ghana	S/AC.50/2007/136			
Greece	S/AC.50/2007/60	S/AC.50/2007/122		
Grenada	S/AC.50/2007/140			
Guatemala	S/AC.50/2007/100 (combined report)		AC.50/2008/33	S/AC.50/2010/36
Hungary	S/AC.50/2007/81 (combined report)		S/AC.50/2008/59	
India	S/AC.50/2007/20	S/AC.50/2007/123	S/AC.50/2008/49	
Indonesia	S/AC.50/2007/5		S/AC.50/2008/10	
Ireland	S/AC.50/2010/1 (combined report)			
Israel	S/AC.50/2007/141 (combined report)		S/AC.50/2009/4	
Italy	S/AC.50/2007/25	S/AC.50/2007/103	S/AC.50/2008/47	S/AC.50/2010/41
Jamaica			S/AC.50/2008/21	
Japan	S/AC.50/2007/16	S/AC.50/2007/79	S/AC.50/2008/24	S/AC.50/2010/12
Jordan	S/AC.50/2007/119 (combined report)		S/AC.50/2008/17	
Kazakhstan	S/AC.50/2007/39	S/AC.50/2007/102	S/AC.50/2008/36	
Kuwait	S/AC.50/2007/118 (combined report)		S/AC.50/2008/57 and Add. 1	
Kyrgyzstan	S/AC.50/2007/53	S/AC.50/2008/50	S/AC.50/2008/53	
Latvia	S/AC.50/2007/62	S/AC.50/2007/91		
Libyan Arab Jamahiriya	S/AC.50/2007/61	S/AC.50/2007/69	S/AC.50/2008/51	
Liechtenstein	S/AC.50/2007/31		S/AC.50/2008/27	

Member States	*Reports pursuant to resolution 1737 (2006)*	*Reports pursuant to resolution 1747 (2007)*	*Reports pursuant to resolution 1803 (2008)*	*Reports pursuant to resolution 1929 (2010)*
Lithuania	S/AC.50/2007/34	S/AC.50/2007/90	S/AC.50/2008/55	
Luxembourg	S/AC.50/2007/64			
Malta	S/AC.50/2007/7	S/AC.50/2007/63	S/AC.50/2008/35	S/AC.50/2010/16
Mauritius	S/AC.50/2007/35 and Add.1	S/AC.50/2007/106	S/AC.50/2008/58	
Mexico	S/AC.50/2007/58	S/AC.50/2007/94	S/AC.50/2008/45	S/AC.50/2010/29
Monaco	S/AC.50/2007/130	S/AC.50/2007/126		
Morocco	S/AC.50/2009/2 (combined report)			S/AC.50/2010/14
Namibia				S/AC.50/2010/42
Netherlands	S/AC.50/2007/48	S/AC.50/2007/73	S/AC.50/2008/32	S/AC.50/2010/10
New Zealand	S/AC.50/2007/36	S/AC.50/2007/132	S/AC.50/2008/22	S/AC.50/2010/6
Niger	S/AC.50/2007/135 (combined report)			
Norway	S/AC.50/2007/6	S/AC.50/2007/93	S/AC.50/2008/4	
Oman	S/AC.50/2008/62 (combined report)			
Pakistan	S/AC.50/2007/12	S/AC.50/2007/96	S/AC.50/2008/6	S/AC.50/2010/17 and Add.1
Panama	S/AC.50/2007/139 (combined report)			
Peru	S/AC.50/2007/44	S/AC.50/2007/86	S/AC.50/2008/41	S/AC.50/2010/30
Philippines	S/AC.50/2007/137 (combined report)		S/AC.50/2009/1	
Poland	S/AC.50/2007/43	S/AC.50/2007/95	S/AC.50/2008/37	
Portugal	S/AC.50/2007/56	S/AC.50/2007/111	S/AC.50/2008/30	S/AC.50/2010/43
Qatar	S/AC.50/2007/24 and Add.1	S/AC.50/2007/87 and Add.1	S/AC.50/2008/25	S/AC.50/2010/44
Republic of Korea	S/AC.50/2007/51	S/AC.50/2007/115	S/AC.50/2008/28	S/AC.50/2010/9
Republic of Moldova	S/AC.50/2007/127 (combined report)			
Romania	S/AC.50/2007/30	S/AC.50/2007/101	S/AC.50/2008/52	S/AC.50/2010/38
Russian Federation	S/AC.50/2007/8 and Add. 1	S/AC.50/2007/92 and Add. 1	S/AC.50/2008/13 and Add.1	S/AC.50/2010/4 and Add.1
San Marino				S/AC.50/2010/40
Saudi Arabia	S/AC.50/2007/120		S/AC.50/2008/56	

Member States	Reports pursuant to resolution 1767 (2007)	Reports pursuant to resolution 1737 (2006)	Reports pursuant to resolution 1803 (2008)	Reports pursuant to resolution 1929 (2010)
Serbia	S/AC.50/2007/52	S/AC.50/2007/131		S/AC.50/2010/45
Singapore	S/AC.50/2007/45	S/AC.50/2007/116	S/AC.50/2008/43	S/AC.50/2010/28
Slovakia	S/AC.50/2007/42	S/AC.50/2007/78	S/AC.50/2008/9	
Slovenia	S/AC.50/2007/23		S/AC.50/2008/54	
South Africa	S/AC.50/2007/4	S/AC.50/2008/40 (combined report)		
Spain	S/AC.50/2007/55	S/AC.50/2007/112	S/AC.50/2008/46	S/AC.50/2010/46
Sri Lanka		S/AC.50/2007/133		
Suriname	S/AC.50/2007/138 (combined report)			
Sweden	S/AC.50/2007/21	S/AC.50/2007/83		S/AC.50/2010/3
Switzerland	S/AC.50/2007/40	S/AC.50/2007/109	S/AC.50/2008/20	S/AC.50/2010/37
Thailand	Not published	Not published	S/AC.50/2008/29	S/AC.50/2010/23
The former Yugoslav Republic of Macedonia	S/AC.50/2007/1	S/AC.50/2007/114	S/AC.50/2008/42	
Turkey	S/AC.50/2007/32			
Ukraine	S/AC.50/2007/80 (combined report) and Add.1 (combined report)		S/AC.50/2008/7	S/AC.50/2010/13
United Arab Emirates	S/AC.50/2007/46	S/AC.50/2007/104		
United Kingdom of Great Britain and Northern Ireland	S/AC.50/2007/3	S/AC.50/2007/72	S/AC.50/2008/31	S/AC.50/2010/25 S/AC.50/2010/21
United States of America	S/AC.50/2007/18	S/AC.50/2007/88	S/AC.50/2008/34	S/AC.50/2010/7
Uruguay		S/AC.50/2007/134 and Add.1	S/AC.50/2008/8	
Uzbekistan	S/AC.50/2007/124 (combined report)		S/AC.50/2008/23	
Viet Nam	S/AC.50/2007/54	S/AC.50/2007/110	S/AC.50/2008/48	
Yemen	S/AC.50/2007/76			
Non-Member States/Observers				
European Union (Germany)	S/AC.50/2007/28	S/AC.50/2007/105		

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Letter dated 30 December 2010 from the Chairman of the Security Council Working Group established pursuant to resolution 1566 (2004) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Working Group established pursuant to Security Council resolution 1566 (2004) (see annex). The report contains a summary of the activities of the Working Group in 2010.

I would appreciate it if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Chairman
Working Group established pursuant to resolution 1566 (2004)

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Annex

Report of the Security Council Working Group established pursuant to resolution 1566 (2004)

1. The Security Council adopted resolution 1566 (2004) on 8 October 2004. Under paragraph 9 of the resolution, the Council established a working group consisting of all members of the Council to consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida and Taliban Sanctions Committee, including more effective procedures considered to be appropriate for bringing them to justice through prosecution or extradition, freezing of their financial assets, preventing their movement through the territories of Member States, preventing supply to them of all types of arms and related materiel, and on the procedures for implementing these measures.

2. In paragraph 10 of the resolution, the Security Council further requested the working group to consider the possibility of establishing an international fund to compensate victims of terrorist acts and their families, which might be financed through voluntary contributions, which could consist in part of assets seized from terrorist organizations, their members and sponsors, and submit its recommendations to the Council.

3. Upon agreement of the Security Council (see S/2010/2), Ambassador Ertuğrul Apakan, Permanent Representative of Turkey to the United Nations, was appointed Chairman of the Working Group for the period ending 31 December 2010.

4. On 23 March 2010, the Chairman convened informal consultations of the Working Group to take stock of recent developments of relevance to the Working Group's mandate and to exchange views with the members regarding these developments and the possible future programme of work for the Working Group. In this connection, the Chairman cited a number of developments which, in his view, warranted a fresh look into the mandate of the Working Group with a view to seeing whether further progress could be made on matters where consensus had not yet been achieved. In particular, the Chairman recalled the establishment of the Focal Point for De-listing in the Secretariat to receive de-listing requests directly from individuals and entities inscribed on sanctions lists maintained by Security Council committees, as well as the significant procedural advances contained in resolution 1904 (2009), including the creation of the Office of the Ombudsperson, empowered with a mandate to actively seek out information from both petitioners and relevant States and to present detailed observations on the case to the Al-Qaida and Taliban Sanctions Committee. The Chairman also recalled that the General Assembly had adopted the United Nations Global Counter-Terrorism Strategy on 8 September 2006, thereby giving support to the practical work of the United Nations Counter-Terrorism Implementation Task Force.

5. In light of these developments, the Chairman invited Jean-Paul Laborde, Special Adviser to the Under-Secretary-General for Political Affairs on counter-terrorism matters, to brief the Working Group on the work of the Task Force, in particular on the Task Force working group on supporting the victims of terrorism, as paragraph 10 of resolution 1566 (2004) called upon the Working Group to study the possibility of establishing an international fund to compensate victims of

terrorism and their families. At the informal consultations of the Working Group held on 23 March 2010, Mr. Laborde indicated that nationally established funds for the victims of terrorism were often considered more useful in achieving their objectives than an international fund, since levels of compensation and other elements of eligibility differed across the globe. Mr. Laborde further described how the Task Force working group would compile and publish on its website best practices on compensating and assisting victims of terrorism, drawn from programmes instituted in national jurisdictions, and he mentioned a number of compensation models that the Working Group might wish to consider, including those contained in General Assembly resolutions 60/147 and 40/34.

6. In response to the developments described by the Chairman and Mr. Laborde, members of the Working Group stressed the need to support victims of terrorist acts. Some members noted that this could best be done by supporting the current work of the Task Force and its working groups, which they saw as having overtaken the mandate of the Working Group established pursuant to resolution 1566 (2004).

7. Other members noted that, unlike the Task Force, the Working Group had been established as a subsidiary body of the Security Council, that the Council had not decided to terminate the Working Group, and that the Working Group might have a role to play in connection with issues under its mandate.

8. Members were of the view that the adoption of resolution 1904 (2009) was a positive step in ensuring that the Security Council's procedures for listing and de-listing were fair and clear. Some members noted, however, that it would be premature for the Working Group to submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida and Taliban Sanctions Committee, before the Ombudsperson process had been tested, and before the efficacy of the other procedural improvements contained in resolution 1904 (2009) could be assessed.

9. The Chairman, speaking in his national capacity, expressed the view that the mandate of the Working Group established pursuant to resolution 1566 (2004) covers critical aspects of the United Nations global counter-terrorism efforts. He suggested that it was time to look into possibilities of more effectively countering terrorist groups in various parts of the world, other than those designated by the Al-Qaida and Taliban Sanctions Committee, which threaten peace, security, stability, social and economic development, and human rights. The Chairman acknowledged that an agreement on the definition and scope of terrorism would contribute to the work of the Working Group, but he indicated that paragraph 3 of resolution 1566 (2004) could be considered a basis and criterion for moving forward. The Chairman believed that there was a need for the United Nations to continue to take steps on the issue of victims of terrorism, and he suggested that the Working Group continue its cooperation with the Task Force in that regard.